

REMARKS

Claims 1-19 are pending in the present application. Claims 1-3 are amended. Reconsideration of the pending claims is respectfully requested.

I. Allowable Subject Matter, Claims 10-19

Applicant thanks the examiner for the allowance of claims 10-19. However, for the reasons set forth hereafter, applicant respectfully submits that all of claims are directed to allowable subject matter and that the application is in condition for allowance.

II. 35 U.S.C. § 102, Anticipation, Claims 1-4, 6, and 8

The examiner has rejected claims 1-4, 6, and 8 under 35 U.S.C. § 102 as being anticipated by Toy (U.S. Patent No. 6,323,419 B1).

Specifically, the examiner states:

Toy discloses a metal plate (14), first and second ribs (11), extended lips (17), a receiving device or chassis member (8) (re claims 1-4).

(Office Action dated August 10, 2004, page 2). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). The *Toy* reference cited by the examiner does not anticipate the present invention as recited in amended claim 1, because *Toy* fails to teach each and every element of the claim. Amended independent claim 1 reads as follows:

1. An electromagnetic gasket for shielding electromagnetic interference (EMI), comprising:
 - a metal shielding component comprising a longitudinal metal plate and a plurality of first ribs and a number of second ribs corresponding to and opposing the plurality of first ribs;
 - wherein the plurality of first ribs and second ribs extend beyond opposite side surfaces of the metal shielding component, are symmetric about the metal shielding component, and curve back inward under themselves;
 - wherein the plurality of second ribs further include an extended lip curving back outward underneath themselves; and

wherein the extended lip facilitates assembly of the electromagnetic gasket into a receiving device.

As disclosed in the Summary of the Invention, *Toy* is directed towards a sealing strip assembly for electromagnetic shielding of an openable enclosure that would enable providing smaller radii, greater shielding, less costly construction, and longer useful life without maintenance. *Toy* discloses an electromagnetic seal comprising a U shaped conductive spring finger strip seated in a groove in the cover of the enclosure. The strip comprises a web with springy fingers extending from a continuous base, wherein the springy fingers on each side have a bend between the continuous base and the free ends of the fingers (*Toy*, col. 2, lines 63-66). A short flange extends from the housing and is designed to fit into the strip, forcing the fingers of the strip apart to press the legs against the opposed walls of the groove in order to provide spring biased electrical contact between the housing, the springy fingers, and the walls of the groove. (*Toy*, col. 1, lines 62-67).

Claim 1 of the present invention recites having a plurality of second ribs further include an extended lip curving back outward underneath themselves and wherein the extended lip facilitates the assembly of the electromagnetic gasket into a receiving device. The examiner states that *Toy* discloses a "metal plate (14)", "first and second ribs (11)", "extended lips (17)", and a receiving device or chassis member (8)" (*Office Action*, page 2). However, *Toy* makes no mention of facilitating the assembly of the electromagnetic gasket into a receiving device through the use of an extended lip as recited in the claimed invention. Instead, *Toy* is directed towards a means for providing greater degree of shielding of an openable enclosure from electromagnetic radiation, especially for testing electronic equipment such as cellular telephones, as shown in column 2, line 56 to column 3, line 32 of *Toy*, which reads as follows:

Referring now to FIGS. 3-14, an RFI shielding enclosure 1 of the invention suitable for testing and adjusting cellular telephones is shown. Housing 8 has a substantially rectangular chamber 21 with four straight sides and four corners with small radius. A cover 4 has a slot 3 with four straight sides and four corners with central radius of 0.826 inches that holds captive a beryllium copper springy sealing gasket 2 with generally U shaped spring fingers 11 extending from a continuous base 14. A bend 18 intermediate the free ends 17 of the fingers and the base closes the space between the bends to 0.1476 inches. The fingers are spaced apart from

adjacent fingers by only 0.005 for enhanced shielding. The gasket is able to conform to the small radius corners by means of its special construction. It is made up of four straight sections and four corner sections. They are chemically milled out of 0.005 inch beryllium copper strip stock. They are then formed to shape and heat treated to become springy and retain their shape. Tabs 9 may be bent out to retain the sections in holes 5 in the bottom of the slot. The slot 3 is cut out to 0.286 inches wide, and then an intermediate portion of the walls are cut away to 0.3060 inches width, forming projections 10 in groove 3 that hold the gasket sections in place once they are snapped in. The fingers 11 extend outward to touch the side walls of groove 3, and the free ends 17 of the fingers prevent movement past the projections 10 in the groove. The housing 8 has an upwardly projecting flange 12 with a thickness of 0.1520 inches arranged to slide between the bends 18 of fingers 11, forcing them further apart by 0.0024 inches on each side, and pressing the fingers against the side walls of groove 3, thereby making excellent low resistance double contact for enhanced electrical shielding. The beryllium copper gasket is plated with nickel to resist formation of insulating corrosion products. The flange is provided with a rounded edge 13 to facilitate insertion and prevent damage to the gasket. The dimensions of the gasket and the flange are arranged to cause very slight deflection for easy operation and long life, yet with enough wiping and spring action to ensure low resistance contact. The strip is free to move slightly within its groove under the forces of the moving flange 12, causing a wiping contact of the free ends of the strip against the walls of the groove, as well as the wiping contact between the flange and the fingers. Shielded multi pin electrical connector 22 is mounted in an aperture in the side wall.

In addition, Figure 14 of *Toy*, shown below, illustrates the springy fingers 11, free ends 17, and housing 8 described in the passage above:

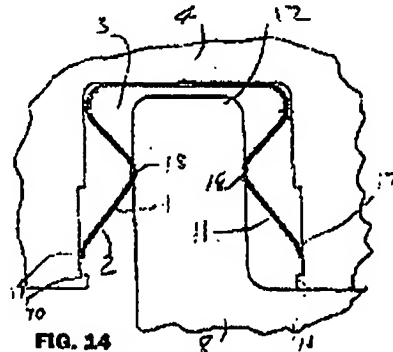


FIG. 14

As the passage and Figure 14 above show, *Toy* teaches that two components of an assembly may be sealed by inserting flange 12 into a removable gasket, such that the

flange 12 is captured within the sealing strip assembly. The sealing strip assembly is contained within a channel on the fixed member of an assembly, whereupon the sealing strip assembly surrounds the mating features on two sides making a seal. In particular, the springy fingers 11 extend outward to touch the side walls of groove 3, and the free ends 17 of the fingers prevent movement past the projection 10 in the groove. Housing 8 has a flange 12 which, when slid between the bends 18 of fingers 11, forces the fingers apart, and presses the fingers against the side walls of groove 3, thereby, according to column 2, lines 19-20 in *Toy*, "making excellent low resistance double contact for enhanced electrical shielding". Thus, the springy fingers 11 in *Toy* provide a double contact to increase the degree of shielding. The free ends 17 of *Toy* are provided to prevent movement of the fingers past the projections 10 in the groove 3.

Thus, *Toy* discloses a sealing strip assembly having a metal base, springy fingers, and free ends, whereby the springy fingers (including the bends in the springy fingers) are used to increase the contact surfaces between the strip assembly and the walls of the enclosure. The free ends are used to keep the fingers from moving past projections in the groove. There is no mention in *Toy* of the using the springy fingers to facilitate assembly of the sealing strip assembly into the groove, nor does *Toy* mention the desirability of doing so. *Toy* is merely concerned with increasing the electromagnetic shielding of an openable enclosure. Consequently, *Toy* fails to teach each and every element of claim 1, since it fails to teach having a plurality of second ribs further include an extended lip curving back outward underneath themselves and wherein the extended lip facilitates the assembly of the electromagnetic gasket into a receiving device.

Furthermore, *Toy* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Absent the Examiner pointing out some teaching or incentive to implement *Toy* and having an extended lip facilitate assembly of the electromagnetic gasket into a receiving device, one of ordinary skill in the art would not be led to modify *Toy* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Toy* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the applicant's disclosure as a template to make the necessary changes to reach the claimed invention.

In view of the above, applicant submits that independent claim 1 is not taught or suggested by *Toy*. Claims 2-9 are dependent claims depending on independent claim 1. Applicant has already demonstrated claim 1 to be in condition for allowance. Applicant respectfully submits that claims 2-9 are also allowable, at least by virtue of their dependency on allowable claims.

Therefore, the rejection of claims 1-4, 6, and 8 under 35 U.S.C. § 102 has been overcome.

III. 35 U.S.C. § 103, Obviousness, Claims 5, 7, and 9

The examiner has rejected claims 5, 7, and 9 under 35 U.S.C. § 103 as being unpatentable over *Toy*. This rejection is respectfully traversed.

The *Toy* reference still does not teach or suggest all the claim limitations in dependent claims 5, 7, and 9 as explained in the response to the rejection of independent claim 1 above.

In view of the above, applicant submits that dependent claims 5, 7, and 9 are not taught or suggested by *Toy*. Claims 5, 7, and 9 are dependent claims depending on independent claim 1. Applicant has already demonstrated claim 1 to be in condition for allowance. Applicant respectfully submits that claims 5, 7, and 9 are also allowable, at least by virtue of their dependency on an allowable claim.

Therefore, the rejection of claims 5, 7, and 9 under 35 U.S.C. § 103 has been overcome.

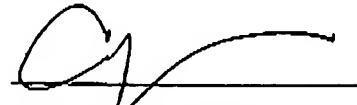
IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited reference and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 11/9/04

Respectfully submitted,



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